

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT

State v. Hardin

2025-Ohio-5446 · No. L-24-1268, L-24-1269 · Decided December 5, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed the Lucas County Court of Common Pleas’ denial of Shawnte Hardin’s petition for post-conviction relief without an evidentiary hearing. The court held that Hardin’s claims were either barred by res judicata or unsupported by sufficient operative facts, that ineffective assistance claims do not apply to post-conviction counsel, and that issues raised for the first time on appeal were waived.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District
WRITING FOR THE COURT	Thomas J. Osowik, J.; Christine E. Mayle, J.; Myron C. Duhart, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	December 5, 2025
DOCKET	L-24-1268, L-24-1269
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial, without an evidentiary hearing, of a petition for post-conviction relief under Ohio Revised Code section 2953.21.
STANDARD OF REVIEW	A denial of a petition for post-conviction relief without an evidentiary hearing is generally reviewed for abuse of discretion. An abuse of discretion requires a finding that the trial court's decision was unreasonable, arbitrary, or unconscionable.
PRECEDENTIAL VALUE	published
PARTIES	Shawnte Hardin v. State of Ohio

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- appellate procedure
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Hardin's post-conviction petition without an evidentiary hearing.
2. Whether Hardin presented sufficient operative facts and evidentiary material to establish substantive grounds for post-conviction relief based on ineffective assistance of trial counsel.
3. Whether res judicata barred some or all of Hardin's post-conviction claims.
4. Whether Hardin could obtain relief based on alleged ineffective assistance of post-conviction counsel.
5. Whether the appellate court could consider claims concerning the original trial that Hardin raised for the first time on appeal from the post-conviction judgment.

HOLDINGS

1. A petitioner is not entitled to an evidentiary hearing when the petition, affidavits, documentary evidence, files, and records do not set forth sufficient operative facts establishing substantive grounds for relief.
2. Res judicata bars a post-conviction claim that was raised or could have been raised at trial or on direct appeal, unless evidence outside the record demonstrates that the claim could not previously have been appealed.
3. The Sixth Amendment right to effective assistance of counsel does not extend to civil post-conviction proceedings, and Ohio Revised Code section 2953.21(J)(2) expressly precludes relief based on ineffective or incompetent post-conviction counsel.
4. An appellate court will not consider issues raised for the first time on appeal from a post-conviction judgment; failure to raise the issues in the trial court waives them on appeal.

KEY QUOTATIONS

“a postconviction proceeding is not an appeal of a criminal conviction but, rather, a collateral civil attack on the judgment.”” (¶ 13)

“before a hearing is granted, ‘the petitioner bears the initial burden to submit evidentiary documents containing sufficient operative facts to demonstrate the lack of competent counsel and that the defense was prejudiced by counsel’s ineffectiveness.’”” (¶ 17)

“Under the doctrine of res judicata, a final judgment of conviction bars a convicted defendant who was represented by counsel from raising and litigating in any proceeding, except an appeal from that judgment, any defense or any claimed lack of due process that was raised or could have been raised by the defendant at the trial, which resulted in that judgment of conviction, or on an appeal from that judgment.”” (¶ 18)

FACTUAL BACKGROUND

After a bench trial, Hardin was convicted of 31 offenses arising from his unlawful provision of death-related and funeral services without the required education, training, licensure, facilities, or equipment, conduct that caused

substantial damage to human remains and distress to the decedents' families. He alleged in his post-conviction petition that trial counsel inadequately prepared for trial and failed to call more than 20 witnesses. His petition included only his own affidavit and did not include affidavits from the proposed witnesses or the documentary evidence he claimed would establish his innocence.

PROCEDURAL HISTORY

Following a bench trial, the Lucas County Court of Common Pleas convicted Hardin of 31 felony and misdemeanor offenses and imposed an aggregate prison term of 11 years, 10 months to 14 years, 10 months. The Sixth District affirmed the convictions and sentences on direct appeal. Hardin then filed a post-conviction petition alleging ineffective assistance of trial counsel, supported only by his own affidavit. The trial court denied the petition without a hearing, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hardin, 2024-Ohio-2943 (6th Dist.)
- State v. Calhoun, 86 Ohio St.3d 279 (1999)
- State v. Acosta, 2025-Ohio-1847, ¶ 18 (6th Dist.)
- State v. Matthews, 2024-Ohio-1071, ¶ 17 (6th Dist.)
- Darby v. A-Best Prod. Co., 2004-Ohio-3720, ¶ 13
- State v. Smith, 2017-Ohio-7770, ¶ 9 (7th Dist.)
- State v. Mack, 2024-Ohio-6102, ¶ 16 (5th Dist.)
- State v. Lentz, 70 Ohio St.3d 527 (1994)
- State v. Jackson, 64 Ohio St.2d 107 (1980)
- State v. Hill, 2021-Ohio-3899, ¶ 15 (10th Dist.)
- State v. Blanton, 2020-Ohio-7018, ¶ 10 (4th Dist.)
- State v. Perry, 10 Ohio St.2d 175 (1967)
- State v. Szefcyk, 77 Ohio St.3d 93 (1996)
- State v. Reynolds, 79 Ohio St.3d 158 (1997)
- State v. Lewis, 2019-Ohio-3031, ¶ 14 (3d Dist.)
- State v. Slagle, 2012-Ohio-1936, ¶ 16 (4th Dist.)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Brown, 2003-Ohio-3551, ¶ 12 (7th Dist.)
- State v. Conway, 2019-Ohio-2260, ¶ 46 (10th Dist.)
- Schade v. Carnegie Body Co., 70 Ohio St.2d 207 (1982)
- State v. Quarterman, 2014-Ohio-4034, ¶ 15
- State v. Wintermeyer, 2019-Ohio-5156, ¶ 7

- Ohio Performance, Inc. v. Nelson, 1995 WL 103634, at *3 (4th Dist. Mar. 7, 1995)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-sixth-appellate-district-lucas-county-ohio-court-of-appeals-sixth-appellate-di/2025/state-v-hardin-gfg2eq9z>